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Attorneys for Defendant Mr. Encinas

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No.: 14cr344-MMA
)	
Plaintiff,)	
v.)	Unopposed motion for modification of
)	conditions of release
ERNESTO ENCINAS,)	
)	
Defendant.)	
_____)	

On January 23, 2014, Mr. Encinas was released on an own recognizance (“O.R.”) bond, without Pretrial Services supervision. As a condition of release, his travel was restricted to the continental United States (dckt. no. 12).

On August 11, 2014, Mr. Encinas sought permission to travel to Hawaii (dckt. no. 39). The motion was unopposed. Consistent with previous requests in other cases, undersigned counsel submitted a proposed order included a requirement that Mr. Encinas “notify his PTS officer before departing and upon his return.” Dckt. no. 41. The court (the Honorable William V. Gallo) signed the order. *Id.* Counsel’s proposed language, however, was unnecessary and confusing, because Mr. Encinas’s O.R. status meant he had no pretrial officer to whom he could report.

Compounding the matter, Pretrial Services read the order as a modification implicitly requiring pretrial supervision, which the parties did not and do not deem

1 necessary. Before alerting the Court, pretrial services asked the parties to propose a
2 solution. The parties have met and conferred regarding the matter, and believe the Court
3 should issue a brief order resolving the inconsistency between the O.R. release and the
4 notification provision.

5 To refresh the Court, Mr. Encinas has been on pretrial release for more than a year
6 without incident. He is a retired San Diego Police Officer.

7 For these reasons, Mr. Encinas requests the Court issue an order as follows:

8 Good cause having been demonstrated, the Court clarifies its previous orders
9 regarding Mr. Encinas's conditions of pretrial release. The Court confirms
10 Mr. Encinas may remain on liberty on his own recognizance without pretrial
11 supervision.

12 The government has reviewed the proposed language and has **no objection** to the
13 proposed order.

14 Undersigned counsel has spoken about the matter with Supervising Pretrial
15 Services Officer Boris Ilic. Officer Ilic stated the proposed order is satisfactory to
16 Pretrial Services.

17
18 So moved.

19 Dated: March 10, 2015

/s/ Jeremy Warren

Jeremy Warren

Attorney for Mr. Encinas

22 The government does not object to the defendant's motion.

23 Dated: March 10, 2015

/s/ Rob Huie

Rob Huie

Assistant United States Attorney

26 Pretrial Services does not object to the defendant's motion

27 Dated: March 10, 2015

/s/ Boris Ilic

Pretrial Services

PROOF OF SERVICE

I declare under penalty of perjury that on March 10, 2015, I served a copy of the foregoing document on all parties via electronic filing.

/s/ Jeremy Warren
Jeremy Warren
Attorney at Law